(CHANCERY/CIRCUIT) COURT OF TENNESSEE 140 ADAMS AVENUE MEMPHIS, TENNESSEE 38103 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

CT-002343-04 AD DAMNUM \$ SUMMONS IN CIVIL ACTION AUTO □ OTHER 🔀 DAVINA TREADWELL 1110 Robin Hood Lane, Memphis, TN 38111 Home Address PLAINTIFF Business Address VS. AMERICAN AIRLINES, INC Home Address 4333 Amon Carter Blvd., Ft. Worth, TX 76155 DEFENDANT **Business Address** TO THE DEFENDANT(S) serve through registered agent CT Corporation, 800 S. Gay Street, Suite 201, Knoxville, TN 37929. You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on _ Edgar Davison Plaintiff's 5100 Poplar Ave., Memphis, TN 38137 , telephone 901-683-1850 within attorney, whose address is THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint. JIMMÝ MOORE, Clerk KENNY ARMSTRONG, Clerk & Master TESTED AND ISSUED TO THE DEFENDANT(S): NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. COSTBOND I hereby acknowledge and bind myself for the prosecution of this action and payment of all costs not to exceed \$500.00 m this court which may at any time be adjudged against the plaintiff in the event said plaintiff shall not pay the same. Witness My Hand this Certification when applicable Surety I. KENNY ARMSTRONG, Clerk & Master I, JIMMY MOORE, Clerk of the Circuit of the Chancery Court, Shelby County, Court, Shelby County, Tennessee, certify Tennessee, certify this to be a true and this to be a true and accurate copy as filed accurate copy as filed this this KENNY ARMSTRONG, Clerk & Master JIMMY MOORE, Clerk , D.C.

EXHIBIT

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IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

DAVINA TREADWELL,	SILED
Plaintiff,	MAY 13
v.	CT- 0- 2343-05
AMERICAN AIRLINES,	/ — <u></u>
Defendant.	of the Circuit Court, Shelby to be a from
COMPLA	County Tennessee Certify this to be a true and accurate copy of the breach of Contract NT FOR WRONGFUL TERMINATION Filed this Contract ND BREACH OF CONTRACT Sy GY MOORE Clerk
COMES NOW Plair	iff Davina Treadwell by and through counsel and find DC

Complaint against Defendant, American Airlines, Inc., states as follows:

NATURE OF THE COMPLAINT

1. This is a civil action arising under the laws of the State of Tennessee and is brought pursuant to the Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101, et seq., and Tennessee common law. Plaintiff demands a jury in this matter and specifically alleges as follows:

PARTIES

- 2. Plaintiff Davina Treadwell is a Caucasian female who worked as a Customer Service Manager for Defendant from March 1988 until her termination on or about March 10, 2006.
- 3. At all relevant times, Ms. Treadwell was an employee of Defendant for Tennessee Human Rights Act purposes.

- 4. Defendant is a corporation organized under the laws of the State of Delaware with its primary place of business located at 4333 Amon Carter Blvd., Ft. Worth, TX 76155. It can be served through registered agent CT Corporation, 800 S. Gay Street, Suite 201, Knoxville, TN 37929. Defendant employed Ms. Treadwell at all relevant times.
- 5. Defendant is a covered "employer" under the Tennessee Human Rights Act.

JURISDICTION AND VENUE

- 6. This Court has jurisdiction over this matter pursuant to the Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101, et seq.
 - 7. Venue is proper in this Court pursuant to Tenn. Code Ann. § 4-21-307(a).
- 8. This cause of action was originally filed on March 6, 2007 in Shelby County Circuit Court. Defendant removed the case to Federal Court on April 20, 2007. An Order of Dismissal without prejudice was entered on May 19, 2008. Plaintiff now files this action pursuant to the Tennessee Savings Statute, T.C.A. § 28-1-105.

FACTS

- 9. On February 18, 2006, flight operations at the Memphis International Airport and other airports throughout the United States of America, experienced a serious disruption due to severe weather conditions.
- 10. On March 10, 2006, Plaintiff's employment was terminated due to alleged poor performance on February 18, 2006.
- 11. Plaintiff has requested from Defendant, on several occasions, a full and complete explanation for her termination (if any).

12. Defendant has refused to set out with any particularity, the basis on which it summarily terminated her employment.

COUNT I

RACE DISCRIMINATION IN VIOLATION OF THE TENNESSEE HUMAN RIGHTS ACT

- 13. Plaintiff realleges and incorporates the allegations of Paragraphs 1-12 above as if set forth fully herein.
 - 14. Ms. Treadwell was a qualified employee of American Airlines.
- 15. Defendant discriminated against Ms. Treadwell on the basis of her race in the terms and conditions of her employment and in terminating her.
- 16. There was no legal basis on which Defendant could terminate Plaintiff and the alleged reason (poor performance) given by Defendant is pretext for illegal race discrimination.
- 17. Similarly situated employees of other races were treated more favorable than Plaintiff.
- 18. As a direct and proximate result of Defendant's discriminatory actions,
 Ms. Treadwell was injured and suffered damages.
- 19. Ms. Treadwell suffered a loss of back pay, benefits, incidental expenses, and front pay.
- 20. Defendant's conduct was malicious and intentional and further caused Ms. Treadwell to suffer humiliation, embarrassment, degradation, emotional distress, and mental anguish.

COUNT II

BREACH OF CONTRACT

- 21. Plaintiff realleges and incorporates the allegations of Paragraphs 1-20 above as if set forth fully herein.
- 22. On or about March 11, 1988, Plaintiff and Defendant entered into a written agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof.
- 23. By the terms of said written agreement, Plaintiff could be summarily dismissed only if she committed a serious breach of the Rules.
 - 24. The consideration set forth in the agreement was the fair and reasonable.
- 25. Plaintiff has performed all conditions, covenants, and promises required by her on her part to be performed in accordance with the terms and conditions of the contract.
- 26. On or about March 10, 2006 the Defendant breached the said agreement by terminating Plaintiff's employment.
- 27. By reason of Defendant's breach of said contract as herein alleged, the Plaintiff has suffered damages.
- 28. By the terms of said written agreement, the Plaintiff is entitled to recover reasonable attorney fees incurred in the enforcement of the provisions of the agreement. By reason of the aforementioned breach of the defendant, the Plaintiff has been forced to secure the services of the legal firm of Crone & Mason, PLC to prosecute this lawsuit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief as follows:

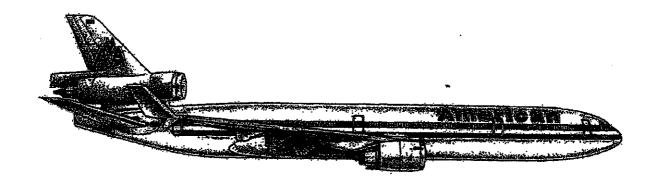
- 1. That the Defendant be served and required to answer within the time prescribed by law;
- That, upon the hearing of this cause, Plaintiff be awarded judgment for damages of lost compensation from the date of Defendant's discriminatory actions, in an amount to be proven at trial;
- 3. That the Court issue an award of front pay in an amount to be proven at trial in lieu of reinstatement as the actions described herein and the circumstances surrounding the place of employment have made reinstatement impossible;
- 4. That Plaintiff be awarded additional compensatory damages including, but not limited to, damages for emotional distress, pain and suffering, embarrassment, and humiliation in an amount to be proven at trial;
 - 5. That costs and discretionary costs be taxed against Defendant;
- 6. That costs and attorneys' fees be assessed against Defendant pursuant to the contract and Tenn. Code Ann. § 4-21-306(a)(7);
- 7. That such other remedies as shall be necessary and proper to eliminate all violations complained of herein be awarded pursuant to Tenn. Code Ann. § 4-21-306(a)(8); and
 - 8. For such other and further relief as this Court may find appropriate.

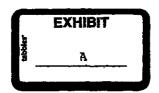
Respectfully submitted,

Alan G. Crone, TN Bar No. 014285
Edgar Davison, TN Bar No. 024388
CRONE & MASON, PLC
5100 Poplar Avenue, Suite 3200
Memphis, Tennessee 38137
(901) 683-1850
(901) 683-1963 (fax)

acrone@cronemason.com (email) edavison@cronemason.com (email)

AmericanAirlines A'A APPLICATION FOR EMPLOYMENT





An Equal Opportunity Employer

MAIL YOUR APPLICATION TO:

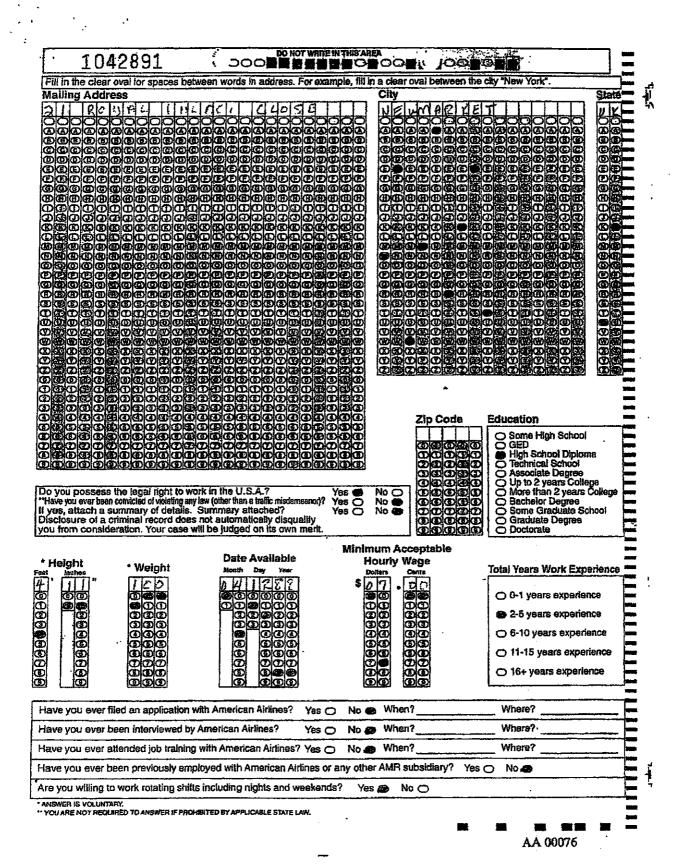
AMERICAN AIRLINES
PERSONNEL DEPARTMENT
PO BOX 619040 - MD 5236
DFW AIRPORT, TX 75261-9040

AA 00074

BECAUSE OF THE LARGE VOLUME OF APPLICATIONS RECEIVED, NO WRITTEN ACKNOWLEDGEMENT IS MADE.

PHOTOCOPIES OF THE APPLICATION WILL NOT BE ACCEPTED.

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SKILLS

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^{*} List types of equipment experience in Employment History section.

SKILLS (Continued)

Instructions

Review the Language Skills listing below to identify the language skills you possess. For those skills you possess, till in the corresponding oval to indicate your proficiency for that particular skill (Ability to Read, Write or Speak Fluently or Formal Education Only) and whether you have used the skill within the last 12 months.

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LICENSES/CERTIFICATES

Instructions

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- TERMS OF EMPLOYMENT

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It the undersigned, state that all information given by me in this application is true to the best of my knowledge. I authorize American Afrinas Inc., (American) (herein called the company) to verify such information and to contact any reference given by me. Should I be employed by the company, I agree that:

- My employment shall be in accordance with the terms of (a) this application, (b) company rules and regulations and any amendments thereto and (c) any applicable labor
 agreement. The company shall have the right to amend, modify or revoke its rules and regulations at any time. I will familiarize myself promptly with such rules and
 regulations and will abide and be bound by the rules and regulations now or hereafter in effect.
- 2. I understand that my employment is not for a specific term and can be terminated by me or by the company at any time for any reason, with or without cause, with or without notice, its only obligation being to pay wages or salary samed by me in termination. Without limitation, failure to abide by company rules and regulations or the fatelification or omission of any information given by me in this application will entitle the company to taminate my employment. No representation concerning my employment with the company has been made to me. I understand that the above provisions of my employment may not be changed by oral representation or by any writing unless such writing is executed by both an authorized officer of the company and by me.
- 3. I will submit to medical examination(s) by a physician appointed by the company at such time(s) as it may request, and will submit to such examination before making any claim against the company for injuries or illnesses suffered in connection with my employment.
 - 4. Lagres that employment may be contingent upon my meeting all piecement considerations, including medical remainements
 - All right, title and interest, including without limitation, all copyrights and patents, in and to any material produced or inventions developed by me which affect or relate to the
 company's business or affect or relate to the airline industry shall vest in the company and t shall have no personal right, title or interest whatsoever therein.
 - 6. The company, and any person or concern it may authorize, shall be entitled, without further consent, to copyright, sell or use in any manner, any picture or photograph of me.
 - The company shall have the right at any time after termination of my employment to turnish to others information concerning my employment record with this company, including the information contained in this application, with no liability to the company for providing such information.
 - 8. 1 agree not to disclose any of the company's trade secrets or other confidential or restricted information and not to make use of such trade secrets or confidential restricted information in any fashion during my employment or after my employment with the company is terminated. I agree not to solicit current employees of the company or of other subsidiaries of AMR Corporation to join me at my new place of employment after my employment with the company is terminated.
 - 9. I will cooperate in any company investigation by giving true and complete enswers to all questions and by complying with all other requests for assistance.
- 10. I understand that the company and all substituties of AMR Corporation have terms and conditions regarding the employment of relatives of current AMR Corporation substituting employees. For the purpose of this policy, a relative is defined as an employee's spouse, parent, spouse's parent, child, child's spouse, brother, sister, brother in-law and sister-in-law, i agree that I will not interfere in any way with a relative's employment relationship with American or any subsidiary of AMR Corporation, including thing, transfer, promotion, or discipline. I understand that employees are prohibited from being the first or second level supervisor of a relative end that this may affect a transfer or promotional opportunity for me in the future. I understand that I am solely responsible for compliance with this rule. I have identified all of my relatives currently working at AMR Corporation substidiaries. I understand that failure to identify these relatives or failure to abide by these terms and conditions will result in disciplinary action against me up to and including dismissal.
- 11. I understand neither I not any manufact of my immediate family (wise, husband, parents, children or their spouses) can engage in any activity that might benefit us
 personally at the expense of the company, or that would be harmful to the company without the expressed written consent of the company.
- = 12. I understand that throughout my employment I em required to report to work on a regular and timely basis,
 - 13. I understand I will be terminated if I provide talse or fraudulent information on this application, I further understand that it is a violation of Federal Regulations to turnish talse or fraudulent information on any application for approved almost access identification (14 CFR 108).

 or remaining into unation on eny application for abj 	orovad airpen access identification (14 CFR 108).	·
I have reed and understand the Terms of Employment Dated	March Shinell Signature of Applicant, (IN INK)	
	IEQUIRED BY APPLICABLE STATE LAW IF APPLICANT is applicant, in consideration of the premises, do hereby co	nsent to the above agreement.
Witness	Parent or Guardian	(L.S.) Relationship
WE APPRECIATE YOUR INTEREST IN AMERICAN	AIRLINES AND THE TIME YOU HAVE TAKEN TO PREPI	ARE THIS APPLICATION.
	FOR PERSONNEL USE ONLY	
Personnel Interview by:	Date: Time:	Location:
Comments:		
Type of test(s) administers	rdi.	
		•
(4.67)		